

Docket No: JJM-550
Serial No: 09/620,165

IN THE CLAIMS:

Amend claim 1 to read as follows:

1. (Thrice Amended) A folding device comprising:
 - a) a primary roller for receiving a material to be folded;
 - b) a primary disk in communication with said roller for creasing and folding said material as said material travels from said roller to said disk, wherein said primary roller and said primary disk are both free-spinning.

REMARKS

The foregoing amendment was made to place the application in better form for allowance or appeal. Specifically, the Examiner objected to applicant's use of the phrase "by gravity" under 35 USC §112; the phrase "by gravity" was added during a second amendment of claim 1 made on May 15, 2002 and now has been deleted.

The Examiner's other rejections are hereby requested to be reconsidered in view of the foregoing amendment.

Firstly, the §112 rejection is respectfully requested to be removed as the phrase "by gravity" has been eliminated.

The §102(a) rejection of claims 1-4 and 10-13 as anticipated by DE 199 05 520 (Stivani) is also requested to be reconsidered. Firstly, Stivani does not identically disclose the claimed invention. While Stivani identifies folding roller 11 and folding roller 10 (in the form of a disk), the respective orientation of roller 11 and roller 10 is not as identically claimed by applicant.

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Namely, claim 1 requires the orientation of primary roller to primary disk be such that creasing and folding of the material occurs” as said material travels from said roller to said disk.” In contrast, Stivani accomplishes its folding as the material passes simultaneously between roller 10 and roller 11. This is a single point of contact and it is not the staged contact claimed by the applicant, i.e., “as said material travels from said roller to said disk.” Since the described orientation of the roller and disk is not identically described in Stivani, the Examiner’s §102 rejection is respectfully requested to be withdrawn.

Claims 5-9 and 14-16 stand rejected under 35 USC §103(a) in view of Stivani. This rejection is respectfully requested to be reconsidered for the following reasons. Reference is made to applicant’s description of the invention provided for in applicant’s response to the Examiner’s §102(a) rejection. Stivani contains no description of folding of a material as it first passes from a roller to a disk. As noted in applicant’s specification, an advantage of applicant’s invention relates to the ability of the invention to accomplish “continuous and essentially tensionless folding with little loss of compactions or creping of fragile materials” (page 5, lines 17-18). The “essentially tensionless” folding is accomplished by natural folding, i.e.”(t)he folding of material 30 is achieved naturally as material 30 flows over disk 20 under the action of gravity” (page 7, lines 4-5). In contrast, Stivani accomplishes folding under tension and the orientation of roller 10 and roller 11 of Stivani does not suggest folding of a material “...as said material travels from said roller to said disk.” which is the staged contact as described in applicant’s §102(a) discussion. For these reasons, the Examiner’s s rejection is respectfully requested to be reconsidered and withdrawn.

Based on the foregoing, Applicants believe the application is now in condition for allowance. Favorable reconsideration and notice of allowance are solicited. If any questions arise which can be disposed through interview, the Examiner is encouraged to contact Applicant’s attorney at the telephone number listed below.

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Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

1. (Thrice Amended) A folding device comprising:
 - a) a primary roller for receiving a material to be folded;
 - b) a primary disk in communication with said roller for creasing and folding said material ~~by gravity~~ as said material travels from said roller to said disk, wherein said primary roller and said primary disk are both free-spinning.